

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

Minutes
3 December 2004
Informational Meeting and
Hearing Panel
Central Valley Regional Water
Quality Control Board

BOARD MEMBERS PRESENT

Robert Schneider, Chair, Karl Longley, Vice Chair, Alson Brizard, Christopher Cabaldon, Members.

BOARD MEMBERS ABSENT

Lucille Palmer-Byrd

STAFF PRESENT

Tom Pinkos, Ken Landau, Jack DelConte, Frances McChesney, Wendy Wyels, Lonnie Wass, Dave Carlson, Polly Lowry, Rudy Schnagl, Richard McHenry, Sheree Bisher, Louis Pratt, Guy Childs, and Janice Tanaka

OTHERS PRESENT

Bryon Buck, SJR Water Quality Mgmt Group
Jeff Scharff, Esq.
Warren Tellefson, CV Clean Water Assoc.
Bill Jennings, DeltaKeeper
Marty Hoggard, Hoggard Dairy
Ryan Camara, 4-C's Dairy
Richard Cotta, CA Dairies Inc.
Richard Johnson, BSK Assoc.
Monica VanNatta, BSK Assoc.
Karen Kirk, BSK Assoc.
Bill Ahlem, Red Top Jersey
Rick Kreizenbeck, BofA
Jimmy Griffin, Crystal Cream & Butter
David Avila, Western Dairy Design
Lori Mast, Dirk-C Holsteins
Cal Mast, Dirk-C Holsteins
John Does, Does Dairy
John Menke, SWRCB
Andy Zylstra, Zylstra Dairy
Jared Fernandes, Fernandes & Sons Dairy
Joe Alano, Alano Dairy
Tony Alamo, Alamo Farms
Gary Wegner, CIRCUL8 Systems
Anne Goggin, Natural Aeration Inc.
Steve Strait, SECOR International
Michael Frantz, Frantz Wholesale Nursery
Lynn Kuo, US EPA
Michael Krug, Dept of Food & Ag
Tony Bruno, Turlock Dairy & Refrigeration
Joy Ann Seifert, Seifert Dairy
Thomas Harter, UC Davis
Marge Lui, Senator Florez's Office

Frank Rocha, Rocha Dairy
Dino Giacomazzi, Dairy Owner
Jack Hamm, Lima Ranch
John Ferreira, Cotta & Ferreira Dairy
Mike Blankinship, CA Dairy Campaign
Dr. Michael Byers, CA Dairy Campaign
Gary Bullard, CA Dairy Campaign
Barbara Reed, University of CA
Mark Ahlem, Hilmar Jerseys
Kimberly Claus, Clauss Dairy Farms
Tim Niswander, Kings County
Dr. Sabino Herrera, Red Top Jersey
Layne Friedrich, Lawyers for Clean Water
Brent Newell, DeltaKeeper
Michael Mitchell, EAC Engineering
John Ungvarsky, US EPA
Paul Mason, Sierra Club
John Schaap, Provost & Pritchard Engineering
Allen Dusault, Sustainable Conservation
Ray Souza, Western United Dairymen
Paul Martin, Western United Dairymen
Michael Payne, Dept of Env. Toxicology
Kevin Abernathy, CA Dairy Campaign
Larry Russell, Putah Creek Resort
Alan Kropp, Putah Creek Resort
Jack Warren, City of Auburn
Brian Davis, Kennedy Jenks
Jim Durfee, Placer County
Sue Horne, Nevada County Sanitation District
Jeff Pallsgard
Vicki Lee

RESOLUTIONS OF APPRECIATION

The Board recognized three former Board Members for their service: Cher Kablanow, Beverly Alves and Robert Fong. The Board recognized five retiring staff: Sheree Bisher, Louis Pratt, Gordon Boggs, Mae Hoe, and Robert Matteoli.

EXECUTIVE OFFICERS REPORT

Tom Pinkos expanded upon the 5 November meeting listed in Public Outreach in which Alex MacDonald and he met with the Sacramento Water Forum and Sacramento Ground Water Authority to discuss Aerojet and other ground water plumes and the impact on ground water supplies and drinking water system development.

Mr. Pinkos also mentioned his 4 November meeting with Mr. Jerry Johns with the Department of Water Resources to discuss Delta and Aquifer Storage and Recovery issues.

BOARD MEMBER COMMUNICATION

Karl Longley reported that the next Ag Waiver Technical Issues Committee meeting is scheduled for 8 December, although it is unclear whether that meeting would be held. A decision on the meeting date will hopefully be announced before the Board meeting ends.

Chairman Schneider reported that he had attended the following meetings:

- An agricultural advisory meeting in Modesto, reviewing Irrigated Ag Waiver monitoring programs.
- With Mr. Brizard, met with Chuck Ahlem and David Nunenkamp of the Department of Food and Agriculture regarding implementation of the Ag Waiver program.
- State Water Board fee meeting at which the Enforcement Policy and fee structures were discussed.
- Sacramento Valley Water Coalition regarding the Ag Waiver.
- Yolo County Farm Bureau at which Ag waiver fees were discussed.

PUBLIC FORUM

Jeff Scharff thanked the Board and staff for their follow-up on Mr. Moller's request at the October Public Forum for designation of responsible parties for a cleanup site in Davis.

Warren Tellefson of the Central Valley Clean Water Association:

- Pointed out the need for coordination between the State Water Board and Region 5 in review of the Bay-Delta Plan
- Requested the Board hold a workshop on salinity issues as identified in the University of California at Davis water quality reuse study that updated the Ayers and Westcott recommendations for prevention of salinity impacts on crops.

Bill Jennings reported that the Port of Stockton has repeatedly promised but continues to fail to provide information on where dredge spoils have been used in the Delta. The spoils are clearly designated wastes and are a threat to water quality and the environment. Mr. Jennings again requested the Board to exercise its 13267 and ACL authorities to obtain compliance, and stated that recent Regional Board letters were basically begging for the information and carefully avoiding the term "violation". The Chair and Dr. Longley suggested bringing the Port's Waste Discharge Requirements back to the Board for reconsideration. The Chair asked Frances McChesney if an individual Board member could request reconsideration of WDRs. Ms. McChesney replied that as Chairman, Mr. Schneider could properly request such action. Mr. Pinkos stated that there had been no specific directives for enforcement action against the Port from the Board members, but that the next step by staff would be issuance of a 13267 letter for the spoils disposal data.

Byron Buck provided an update on the work by the San Joaquin Water Quality Management Group. The Group has been reviewing and running salinity and dissolved oxygen models for the river. An internal draft report will be completed soon, with a public draft available in January. The Group is confident that a package can be developed to solve the Vernalis salinity problem. Many salinity corrective action projects

will help with other constituents, including selenium. Dissolved oxygen issues are more complex, but construction of operational barriers and demonstration aerators will solve most of the problem. Mr. Brizard asked if the original participants in the Group are all still active. Mr. Buck reported that there has been no apparent loss of participation with adoption of the salinity TMDL.

UNCONTESTED CALENDAR

The Uncontested Calendar was not heard, due to lack of a quorum, and will be rescheduled to a future Board Meeting.

NPDES PERMITS

General NPDES Permit for Existing Concentrated Animal Feeding Operations (Milk Cow Dairies) – *Workshop to Receive Comments on Administrative Draft Order*

Polly Lowry and Lonnie Wass presented the staff report. Additional information was presented by the Dairy Panel consisting of Paul Martin, Dennis Mullinex and J.P. Catieville; the Environmental Panel, consisting of Brent Newell and Bill Jennings; and the Compliance Resource Panel, consisting of Dan Johnson, Jeff Pallsgard and Mike Payne. Others providing information were Dr. Byers, Allen Dusault, Ray Souza, Dino Giacomazzi, Jack Hamm, John Ferreira, Kevin Abernathy, Michael Blankinship, Gary Bullard, Mark Ahlem, Kimberly Claus, Tim Niswander, Dr. Sabino Herrera, Michael Mitchell, John Schaap, Vicki Lee and John Ungvarsky. This was for the Board's information. No action was taken by the Board.

ENFORCEMENT

Mr. Nick Petsas, Lake Berryessa Enterprises, Inc. II, dba Putah Creek Resort, Napa County – *Consideration of Administrative Civil Liability Order*

Wendy Wyels presented the staff report. Larry Russell and Alan Kropp gave additional testimony. The Board members present, sitting as a panel, will make the following recommendation to the full Board at a future Meeting: Approve the Administrative Civil Liability Order with changes of doubling the amount of the fine to \$30,000, adding staff costs of \$9,600.00 and, providing four reports are turned in by due dates, subtracting \$10,000 of the fine. Only new testimony regarding this matter will be accepted during the next meeting with a Board Quorum.

Placer County Department of Facility Services, Placer County Sewer Maintenance District No. 1, Wastewater Treatment Plant, Placer County - *Continuation of Hearing to Consider NPDES Permit Renewal and Cease and Desist*

This item was not heard, due to lack of a quorum, and will be rescheduled to a future Board Meeting.

City of Auburn, Wastewater Treatment Plant, Placer County – *Consideration of NPDES Permit Renewal and Cease and Desist Order*

This item was not heard, due to lack of a quorum, and will be rescheduled to a future Board Meeting.

OTHER BUSINESS

Wastewater Regionalization, Placer and Nevada Counties – *Information Item*

Richard McHenry presented the staff report. Additional information was given by Jim Durfee and Sue Horne. This was for the Board's information. No action was taken by the Board.

The Board approved the proposed schedule of Board meetings for 2005.

The Board met in closed session to discuss ongoing litigation.

The meeting was adjourned at 5:00pm to the 27/28 January 2005 regular Board Meeting.